

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
LEGAL UNIT

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April 15, 2019

**NOTICE OF INTENT TO READOPT EMERGENCY REGULATION AND
UPDATED FINDING OF EMERGENCY**

Subject: Pressure Vessel Fees

TITLE 8 of the CALIFORNIA CODE OF REGULATIONS

Chapter 3.2. California Occupational Safety and Health Regulations

Subchapter 2. Regulations of the Division of Occupational Safety and Health

Article 5. Boiler and Tank Permit and Inspection Fee Schedule

§344. Shop and Resale Inspection Fees, Consultation and Audit Fees, Boilers and Tanks

§344.1. Air Tank, Liquefied Petroleum Gas (L.P.G.), and Boiler Inspection Fees.

§344.2. Boiler, Tank and Resale Inspection Reports and Permits to Operate.

Notice is hereby given that the Department of Industrial Relations, Division of Occupational Safety and Health ("Division"), proposes to readopt the Pressure Vessel Fees emergency regulation that was adopted effective November 15, 2018 (OAL File No. 2018-1108-01 EFP) for an additional 90-day period.

The emergency regulation amended section 344 to increase the hourly inspection rate from \$135.00 to \$150.00, and delete subsections (a)(1), (b)(1), (b)(2) and (b)(3). The emergency regulation also amended section 344.1 to decrease the hourly fee amount charged for field permit inspections from \$160.00 to \$150.00, delete subsection (a)(1), separate subsection (a) into subsections (a), (b) and (c), and change subsection (b) to subsection (d). The emergency regulation further amended section 344.2 to increase the fees related to the issuance of a Permit to Operate from \$15.00 to \$45.00, and delete superfluous language under subsections (a), (b) and (c). This readoption will be submitted to the Office of Administrative Law (OAL) on April 24, 2019.

Pursuant to California Code of Regulations, title 1, section 52(b)(1), the Division has made substantial progress and is proceeding with diligence to comply with Government Code section 11346.1(e) to determine whether further adjustments to the proposed fees will be needed to support the program without overcharging. The Division has determined that a re-adoption of the emergency regulation is necessary to provide the Division with additional time to: (1) gather sufficient data to determine whether the proposed fees are appropriate, and if not, modify the text of the original emergency regulation to address any necessary adjustments; and (2) provide notice to constituents as appropriate. The Division is currently working towards completion of the documentation necessary to commence the regular rulemaking process.

Pursuant to California Code of Regulations, title 1, section 52(b)(2) there have been no changes in emergency circumstances since the original adoption of the emergency regulation. This

readoption is necessary to allow the Division to continue to make technical revisions to the fee structure prior to promulgating a permanent regulation.

Pursuant to California Code of Regulations, title 1, section 52(c), the Division hereby incorporates by reference the rulemaking record of OAL File No. 2018-1108-01 EFP. Included with this notice is the specific regulatory language now in place following the Division's emergency action and the Notice of Proposed Emergency Regulation and Finding of Emergency that was initially submitted to OAL on November 8, 2018. Copies of such documents also are available on the Division's website at the following address:

<https://www.dir.ca.gov/dosh/doshreg/Pressure-Vessel-Fees/>

Government Code section 11346.1(a)(2) requires that, at least five (5) working days prior to submission of the proposed readoption action to OAL, the adopting agency issue a notice of the proposed readoption action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed readoption to OAL, OAL shall allow any interested persons five (5) calendar days to submit comments on the proposed readoption as set forth in Government Code section 11349.6(b), and California Code of Regulations, title 1, section 55(b). Upon filing, OAL will have ten (10) calendar days within which to review and make a decision on the proposed readoption. OAL may approve up to two readoptions, each for a period not to exceed ninety (90) days.

The Division sent notice of the proposed emergency action to every person who has filed a request for notice of regulatory action at least five (5) working days before submitting the emergency regulation to OAL in accordance with the requirements of Government Code section 11346.1(a)(2). Such notice was sent electronically on April 15, 2019.

If you have any questions regarding this proposed emergency action, please contact Denise Cardoso, Staff Counsel, at dcardoso@dir.ca.gov or (510) 286-7348.